

State of California
AIR RESOURCES BOARD

Executive Order G-125-332
February 24, 2006

WHEREAS, the Legislature in Health and Safety Code (H&SC) section 39602 has designated the State Air Resources Board (ARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, ARB is responsible for the preparation of the State Implementation Plan (SIP) for attaining and maintaining national ambient air quality standards (standards) as required by the federal Clean Air Act (the Act or Clean Air Act) in 42 United States Code section 7401 et seq., and to this end is directed by H&SC section 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (local air districts) necessary to comply with the Act;

WHEREAS, H&SC sections 39602 and 40460 also provide that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, ARB has responsibility for ensuring that local air districts meet their responsibilities under the Act pursuant to H&SC sections 39002, 39500, 39602, 40469, and 41650;

WHEREAS, local air districts have primary responsibility for the control of air pollution from non-vehicular sources and for adopting control measures, rules, and regulations to attain air quality standards within their boundaries pursuant to H&SC sections 39002, 40000, 40001, 40701, 40702, and 41650;

WHEREAS, ARB is authorized by H&SC section 39600 to do such acts as may be necessary for the proper execution of its powers and duties;

WHEREAS, H&SC sections 39515 and 39516 provide that any duty may be delegated to the Board's Executive Officer as the Board deems appropriate;

WHEREAS, in 1985, the U.S. Environmental Protection Agency (U.S. EPA) promulgated a federal air quality standard for carbon monoxide (CO) of nine parts per million averaged over eight hours (CO standard);

WHEREAS, under sections 107(d)(4)(A) and 186(a)(1) of the Act, U.S. EPA in 1991 designated the South Coast Air Basin as nonattainment for the CO standard;

WHEREAS, section 107(d)(3)(D) of the Act provides that a state may request U.S. EPA to redesignate an area from nonattainment to attainment for air quality standards;

WHEREAS, the Act requires that, before U.S. EPA can approve the redesignation of an area to attainment, there must be an approved maintenance plan for the area that includes air quality and emissions data, a maintenance demonstration, conformity emissions budgets, and contingency measures;

WHEREAS, a federal attainment plan for CO (CO Plan) was adopted by the South Coast Air Quality Management District (South Coast District) in 1992, and subsequently revised in their 1994, 1997, 2003 and 2005 Plans to incorporate updated information and control strategy revisions;

WHEREAS, the attainment demonstration in the 1994 CO Plan revision relied in part on reductions from a statewide measure that implemented a Smog Check program for motor vehicles;

WHEREAS, on September 18, 1995, U.S. EPA promulgated revisions to its motor vehicle I&M program requirements that created less stringent enhanced I&M (low enhanced I&M) performance standards for areas that meet federal requirements for reasonable further progress and attainment without meeting high enhanced I&M performance standards (40 Code of Federal Regulations (CFR) section 51.351 et seq.);

WHEREAS, U.S. EPA regulations indicate that the performance standard for the low enhanced I&M program is essentially equivalent to that of the basic I&M program, with the addition of visual inspections of the positive crankcase and exhaust recirculation valves;

WHEREAS, on January 8, 1997, as part of its rulemaking approving California's 1994 SIP, U.S. EPA approved California's Smog Check program as meeting federal requirements for a basic I&M program;

WHEREAS, the Smog Check program also includes provisions for idle mode testing and visual inspection of the positive crankcase and exhaust recirculation valves, and therefore meets U.S. EPA's low enhanced I&M performance standards;

WHEREAS, in September 2005, the Air Resources Board, in consultation with the Bureau of Automotive Repair (BAR), released a report on the effectiveness of Smog Check entitled "*April 2004 Evaluation of the California Enhanced Vehicle Inspection and Maintenance (Smog Check) Program.*"

WHEREAS, the 2005 Smog Check report demonstrates that the California enhanced Smog Check program is achieving the CO reductions called for in the South Coast 1994 CO SIP and 1997 CO SIP update;

WHEREAS, U.S. EPA provides an alternative option to seeking redesignation under section 107(d) under its "Clean Data Policy" as set forth in a U.S. EPA Memorandum dated June 15, 1995 entitled "*Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard*";

WHEREAS, under the Clean Data Policy, a nonattainment area must show it has achieved attainment through ambient air monitoring and has federally approved control measures that are responsible for bringing the area into attainment;

WHEREAS, air monitoring data and implementation of the CO Plan control strategy, including Smog Check and the California clean cars/clean fuels program, clearly show that CO emissions have and will continue to decline significantly below attainment year emissions;

WHEREAS, measured ambient CO concentrations will continue to be reduced in future years;

WHEREAS, on March 3, 2005, the South Coast District Governing Board adopted a formal CO redesignation request;

WHEREAS, on March 3, 2005, the South Coast District Governing Board also adopted a CO maintenance plan that provides for the maintenance of the federal CO air quality standard until at least 2015;

WHEREAS, the CO maintenance plan demonstrates that

1. future emissions will not exceed the level of the 2002 attainment year emissions inventory, and
2. the future mix of sources and emission rates will not cause a violation of the federal CO standard;

WHEREAS, in the adopted CO maintenance plan, the South Coast District commits to revising the plan in 2013 to cover the final 10 years of maintenance;

WHEREAS, on March 3, 2005, the South Coast District Governing Board also adopted a CO emissions budget for the maintenance years 2005 through 2015 that is consistent with applicable federal requirements for motor vehicle emission budgets for maintenance areas pursuant to 40 CFR section 93.118(e)(4)(iv);

WHEREAS, the South Coast District approved and certified a Notice of Exemption for the 2005 CO Redesignation Request and CO Maintenance Plan

after a public review and comment period as required by the California Environmental Quality Act (CEQA);

WHEREAS, ARB has reviewed and considered the 2005 CO Redesignation Request and CO Maintenance Plan along with accompanying CEQA documentation, and finds that the requirements of CEQA have been met;

WHEREAS, in consideration of the 2005 CO maintenance plan, the public testimony received, and the environmental documentation prepared by South Coast District staff, ARB finds that:

1. The CO redesignation request meets federal criteria for redesignation under U.S. EPA's 1995 Clean Data Policy, because:
 - The CO nonattainment area attains the federal CO standard using the two most recent years of quality assured air quality data,
 - The South Coast District maintains a comprehensive CO monitoring network throughout the South Coast Air Basin in accordance with 40 CFR part 58,
 - U.S. EPA has approved control measures that are responsible for bringing the area into attainment, and
 - The South Coast District and the ARB have committed to achieve permanent, enforceable CO emission reductions that will continue to reduce CO levels through 2015;
2. The South Coast CO Redesignation Request and CO Maintenance Plan meet the requirements of the Act since this action demonstrates that the South Coast Air Basin has attained the CO standard, meets the criteria for applying U.S. EPA's Clean Data Policy, shows continuing CO emissions reductions, includes contingency measures, and shows that federal CO standards will be maintained through at least 2015;
3. The California Smog Check Program satisfies federal requirements for low enhanced motor vehicle I&M programs and provides emission reductions necessary for continued improvement in CO air quality;
4. The on-road motor vehicle emissions budget ensures that transportation plans and projects will not cause or contribute to new violations of the CO standard;

NOW, THEREFORE, IT IS ORDERED that ARB hereby adopts the 2005 South Coast CO Redesignation Request and CO Maintenance Plan as a SIP revision and submits the SIP revision to U.S. EPA for approval.

BE IT FURTHER ORDERED, that in light of the fact that the South Coast has attained the federal CO standard and will continue to reduce CO emissions below CO attainment year levels, ARB requests U.S. EPA to approve the redesignation request and maintenance plan.

BE IT FURTHER ORDERED, that ARB requests U.S. EPA to make an expedited adequacy finding for the transportation conformity emission budgets.

BE IT FURTHER ORDERED, that ARB certifies pursuant to Title 40 CFR section 51.102 that the 2005 CO Redesignation Request and CO Maintenance Plan was adopted after notice and public hearing as required by Title 40 CFR section 51.102.

Executed at Sacramento, California this 24th day of February 2006.

CALIFORNIA AIR RESOURCES BOARD

/s/ Michael H. Scheible for

Catherine Witherspoon
Executive Officer

